

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference RJD/DMH/Y822	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/01673	International filing date (day/month/year) 17.04.2003	Priority date (day/month/year) 17.04.2002
International Patent Classification (IPC) or both national classification and IPC B65D83/04		
Applicant BOOTS HEALTHCARE INTERNATIONAL LIMITED		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 24.10.2003	Date of completion of this report 09.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Newell, P Telephone No. +31 70 340-3297 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01673**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01673**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	14,15
	No: Claims	1-13,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-B1-6345717 (Flewitt) 12 February 2002

D2: US-A-4574954 (Reid) 11 March 1986

D3: US-A-5624036 (Roulin) 29 April 1997

2. The present application does not meet the requirements of Article 33(2) PCT because the subject-matter of claims 1-13 and 16 is not novel in the light of the prior art as defined in rule 61(4) PCT.

2.1. Referring to claim 1, D1 discloses a pack of medicinal tablets, the pack comprising a base wall (8) which defines a plurality of locations for the tablets, wherein at each such location there is a displaceable pocket (9) which constitutes a recess for a tablet, a cover piece (5) of a rupturable material and a tablet between the displaceable pocket and the cover piece, wherein the pack is of a sufficiently rigid construction as to be resistant to permanent deformation. (See especially column 6, lines 23-36 and figure 5). Thus, the subject-matter of claim 1 is anticipated by D1.

2.2. The additional features of dependent claims 2,4-7,9,11 being disclosed in D1, the subject-matter of these claims is also anticipated by D1.

2.3. Referring now to dependent claim 3. The embodiment depicted in figure 3 of D1 and described in column 5, lines 52-65 discloses a pack of medicinal tablets, the pack comprising a base wall (1) which defines a plurality of locations for the tablets, wherein at each such location there is a displaceable pocket (2) which constitutes a recess for a tablet, a cover piece (5) of a rupturable material and a tablet between the displaceable pocket and the cover piece, wherein the pack is of a sufficiently rigid construction as to be resistant to permanent deformation.

The pockets (2) being integral with the base wall (1) and the pockets (2) containing naked tablets, the subject-matter of claim 3 is also anticipated by D1.

2.4. Referring now to dependent claim 8. D2 discloses a pack of medicinal tablets, the pack comprising a base wall (17) which defines a plurality of locations for the tablets, wherein at each such location there is a displaceable pocket which constitutes a

recess for a tablet, a cover piece (16) of a rupturable material and a tablet between the displaceable pocket and the cover piece, wherein the pack is of a sufficiently rigid construction as to be resistant to permanent deformation.

The pockets being substantially dome shaped, the subject-matter of claim 8 is anticipated by D2.

2.5. Referring now to claim 10 which is dependent on claim 9. D2 discloses (column 1, lines 33-54) that the pocket can be pushed inwardly causing it to pop into an inside-out configuration, bending about the break line (21), the break line acting as a living hinge. D2 also discloses (column 2, line 43-column 3, line 32) the procedure to pre-stress such a hinge so that as pressure is applied to the pocket, its deformation will reach a point where the pocket inverts so that it becomes convex rather than concave (figure 4). Hence, the additional features of claims 9 and 10 are anticipated by D2 and therefore the subject-matter of claim 10 is anticipated by D2

2.6. All the features of independent claims 12 and 13 being disclosed in D1, the subject-matter of these claims is anticipated by D1.

2.7. Referring to claim 16, D2 discloses a method of manufacturing a pack having all the features of claim 1 wherein the pack is formed by injection moulding with pockets formed in the base wall and hinges between the base wall and the pockets, wherein the hinge is pre-stressed during the manufacturing process. See column 2, line 43-column 3, line 32 and figure 4.

Therefore the subject-matter of claim 16 is anticipated by D2.

3. The present application does not meet the requirements of Article 33(3) PCT because the subject-matter of claims 14 and 15 does not involve an inventive step in the sense of rule 65 PCT and in view of the prior art as defined by rule 64.1 PCT.

3.1. D3 discloses a pack assembly comprising two packs, joined together in face-to-face relation so as to have a stowed configuration in which the tablets cannot be expelled and an opened configuration in which the tablets can be expelled.

3.2. The combination of two of the packs as disclosed in D1 to achieve a pack assembly as claimed in either of claims 14 or 15 of the present invention and as disclosed in D3 would be obvious to the skilled man and therefore the subject-matter neither of claim 14 nor of claim 15 can support an inventive step.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/01673